

Exhibit B

1 Friday, April 27, 2012; San Francisco, California

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3 THE VIDEOGRAPHER: Good morning. We are on
4 the record. The time is 9:39 a.m. on April 27th, 09:39:28
5 2012. This is the video-recorded deposition of
6 Andrew Rubin. My name is Aaron Watley here with our
7 court reporter Ashley Soevyn. We are here from
8 Veritext National Deposition & Litigation Services
9 at the request of counsel for plaintiff.

10 This deposition is being held at 710
11 Sansome Street, San Francisco, California. Caption
12 of this case is Oracle America, Inc., versus Google, 09:39:57
13 Inc.

14 Please note that audio and video recording
15 will be taking place unless all parties have agreed
16 to go off the record. Microphones are sensitive and
17 may pick up whispers, private conversations, and
18 cellular interference. At this time, will counsel
19 and all present please identify themselves for the
20 record.

21 MS. RUTHERFORD: Alanna Rutherford, Boies,
22 Schiller & Flexner for Oracle America.

23 MR. WEINGAERTNER: Scott Weingaertner of
24 King & Spalding for Google.

25 THE VIDEOGRAPHER: Thank you. The witness

1 can be sworn in and we can proceed.

2 ANDREW RUBIN,
3 the witness, having been duly sworn, testified as
4 follows:

5
6 EXAMINATION

7 BY MS. RUTHERFORD:

8 Q. Good morning, Mr. Rubin.

9 A. Good morning.

10 Q. Could you just state your name and title
11 again for the record?

12 A. Sure. Andrew Rubin. I am SVP of mobile
13 for Google.

14 Q. Thank you. When were you contacted by
15 Dr. Cox to assist him in his report
16 reinvestigations?

17 A. Allan Cox and I had a brief conversation on 09:40:57
18 the phone probably about four, five days ago.

19 Q. How long was that brief conversation?

20 A. Probably less than 30 minutes.

21 Q. Who else was on the line?

22 A. There were other people, but I didn't -- I
23 didn't catch their names.

24 Q. Do you know why you were contacted by
25 Dr. Cox?

25 BY MS. RUTHERFORD:

1 Q. Did you have any conversations with anybody
2 aside from counsel --

3 A. No --

4 Q. -- in preparation for that call?

5 A. -- I didn't.

6 Q. Have you reviewed Dr. Cox's report?

7 A. I have not.

8 Q. Were you told why you were meeting with
9 Dr. Cox, aside from any conversations you had with
10 counsel?

11 A. Yes, to, you know, to document the cost
12 associated with developing Android.

13 Q. Do you know Android senior financial Aditya 09:42:59
14 Agarwal?

15 A. Yes, I do.

16 Q. Do you work with him on a regular basis?

17 A. Yes.

18 Q. Do you believe that you're more fully able
19 to respond to the questions about Android's expenses
20 than Mr. Agarwal?

21 MR. WEINGAERTNER: Objection, form.

22 THE WITNESS: In certain areas. My -- my
23 expertise is in the cost to develop Android, his
24 expertise is in finance and accounting. 09:43:25

25 BY MS. RUTHERFORD:

1 uncertain and vague on the date at which I -- I had
2 a conversation with Mr. Cox.

11:15:01

3 MS. RUTHERFORD: Uh-huh.

4 THE WITNESS: During the break I actually
5 had a chance to get my cell phone and look at my
6 calendar, and that was in mid-April, it wasn't five
7 days ago.

8 MS. RUTHERFORD: That's okay. Do you know
9 approximately what date?

10 THE WITNESS: It was in -- I think it was
11 probably around April 13th. I'm terrible with
12 dates.

13 BY MS. RUTHERFORD:

14 Q. Were you on your cell phone at the time?

15 A. What's that?

16 Q. During the phone conversation, were you on
17 your cell phone?

11:15:30

18 A. No, I used the calendar method, so I could
19 see when we scheduled the appointment with him.

20 MS. RUTHERFORD: I Understand. Thank you
21 for that clarification. I think we're done.

22 MR. WEINGAERTNER: Okay. Let me take a
23 minute or two to see whether I have any and we can
24 wrap up.

25 MS. RUTHERFORD: Okay.

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1 MR. WEINGAERTNER: Thank you.

2 THE VIDEOGRAPHER: The time is 11:15 a.m.

3 and we are off the record.

4 (Recess taken.)

5 THE VIDEOGRAPHER: The time is 11:19 a.m., 11:19:32

6 and we are back on the record.

7 CROSS-EXAMINATION

8 BY MR. WEINGAERTNER:

9 Q. Mr. Rubin just a couple of quick questions.
10 Is the accounting information that's reflected in
11 the Android profit and loss document that's been
12 marked Trial Exhibit 1079, is that routinely updated
13 every quarter by Google?

14 A. It is. We do reports like this every
15 quarter and they get given to me at the end of the
16 quarter, when the reports are generated. 11:19:57

17 Q. And is it updated by your accounting
18 department and reviewed by you in the ordinary
19 course of business?

20 A. Yes, it is.

21 Q. On a regular basis?

22 A. Yes, quarterly.

23 Q. And does the information in Trial Exhibit
24 1079, the Android profit and loss information,
25 accurately encompass Android's financial data for

1 the time period shown in the documentation?

2 A. Yes, I believe so, to the -- you know, for
3 the time period shown absolutely. As I mentioned
4 previously, before 2008 we didn't have procedures to
5 generate these reports.

6 MR. WEINGAERTNER: Very good. No further 11:20:31
7 questions.

8 MS. RUTHERFORD: I just have one.

9 REDIRECT EXAMINATION

10 BY MS. RUTHERFORD:

11 Q. You just answered that Trial Exhibit 1079
12 accurately encompasses financial data for Android.
13 What is -- what's the basis for your answer to that
14 question?

15 A. That the system is in place at Google, take
16 information from the actual business unit and put it
17 into the system. The finance team's responsibility
18 is to make sure that that information is accurately
19 represented and then the software outputs these 11:20:59
20 reports quarterly.

21 Q. So who inputs the information from the
22 Android business unit?

23 A. Well, it depends what information it is.
24 Obviously if it's purchasing related or head count
25 related, those are the responsibility of the -- for

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1 example, head count would be the responsibility --
2 new head count would be the responsibility of the HR
3 team. Purchase orders would be the responsibility
4 of the person entering the purchase order. 11:21:29

5 Essentially, the way we track everything is
6 we just have a cost center. And when something gets
7 done, it gets assigned to a cost center person
8 inputting data.

9 Q. Things like rental of office space are
10 included in that cost center, correct?

11 MR. WEINGAERTNER: Objection to form.

12 THE WITNESS: I don't know.

13 BY MS. RUTHERFORD:

14 Q. Okay. But you know that benefits are
15 included in that cost center, correct?

16 A. I believe so.

17 MR. WEINGAERTNER: Objection to form.

18 BY MS. RUTHERFORD:

19 Q. And items purchased in the ordinary course 11:21:59
20 of business are included in the cost center?

21 A. When an item is purchased it's -- it's
22 entered into the system with a cost center number
23 that represents the costs center's provided purchase
24 order.

25 Q. Is it also accurate to say you don't know